Dissenting Views to H.R. 1997,
"Unborn Victims of Violence Act of 2003"

H.R. 1997 marks a major departure from existing federal law by elevating the legal status of a fetus at all stages of prenatal development, and thus threatens to erode the foundations of the right to choose as recognized by the Supreme Court in *Roe v. Wade.*[1] While masquerading as legislation to protect pregnant women from crimes universally recognized as among the most heinous, this legislation does nothing to prevent violence against women, nor does it do anything to provide women with the health and other services they need to have healthy and safe pregnancies. This legislation would, rather, be another assault on women's autonomy and their right to decide whether and when to bring healthy children into the world. For these reasons, it has long been opposed by organizations committed to combating violence against women, and to protecting a woman's constitutional right to choose.[2]

For these reasons, we strongly dissent and urge our colleagues to take real steps to protect women and to help them obtain the assistance they need to be safe from violence and to protect their right to have healthy pregnancies and healthy children *when they choose to become parents.*

I. H.R. 1997 Is an Assault on a Woman's Right to Choose.

In *Roe,* the Court recognized a woman's right to have an abortion as a privacy right protected by the XIVth Amendment. In considering the issue of whether a fetus is a "person," within the meaning of the 14th Amendment, the Court noted that, except in narrowly defined situations, and except when the rights are contingent upon live birth, "the unborn have never been

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[1] 410 U.S. 113 (1973).

[2] *Letter to Members of the House of Representatives from Esta Soler, President, Family Violence Prevention Fund* (January 27, 2004); *Letter to Members of the House of Representatives from Nancy Rustad, President, American Association of University Women* (January 27, 2004); *Letter to Rep. Jerrold Nadler from Vicki Saporta, President, National Abortion Federation* (January 27, 2004); *Letter to Members of the U.S. Senate from Marcia D. Greenberger, Co-President, National Women's Law Center* (January 20, 2004); *Letter to Members of the House of Representatives from Marsha Atkind, National President, National Council of Jewish Women* (January 2004); *Letter to Rep. Jerrold Nadler from Rev. Carlton W. Veazey, President, Religious Coalition for Reproductive Choice* (January 27, 2004); *Letter to Members of the House of Representatives from Laura W. Murphy, Director, American Civil Liberties Union Washington Legislative Office* (January 20, 2004); *Letter to Rep. Jerrold Nadler from Kate Michelman, President, NARAL Pro-Choice America* (January 23, 2004); *Letter to Rep. Jerrold Nadler from Gloria Feldt, President, Planned Parenthood* (January 23, 2004); *Letter to Rep. Jerrold Nadler from Vicki Saporta, President, National Abortion Federation* (January 27, 2004); *Letter to Members of Congress from Ralph Neas, President, People for the American Way* (January 23, 2004); *Letter to Members of Congress from Kim Gandy, President, National Organization For Women* (January 26, 2004).

recognized in the law as persons in the whole sense" and concluded that "'person', as used in the XIVth Amendment, does not include the unborn."[3]

It is not surprising that opponents of *Roe,* and of other cases building on the rights enunciated by the Court in *Roe*,[4] have made every effort to secure recognition of fetuses as full legal persons.[5] In the year 2003 alone, state legislatures considered 558 anti-choice measures (an increase of 35.1% from the prior year) and enacted 45 such measures (a 32.4% increase over the prior year).[6] This legislation falls squarely within that strategy.

Historically the destruction of a fetus *in utero* has not been deemed a homicide; the alleged victim must have been "born alive."[7] The Supreme Judicial Court of Massachusetts became the first American court to break with this long line of precedent. It held that a fetus was a person for purposes of the Massachusetts vehicular homicide statute, and thus a potential homicide victim.[8] A majority of states now consider fetuses that die *in utero* to be "persons" under wrongful death

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[3] *Id.* at 158.

[4] *See e.g., Doe v. Bolton*, 410 U.S. 179 (1973) (extended *Roe* by precluding states from making abortions unreasonably difficult to obtain by prescribing elaborate procedural barriers); *Planned Parenthood of Southeastern Penn. v. Casey*, 505 U.S. 833 (1992) (reaffirmed the basic constitutional right to an abortion under *Roe*, but adopted a new analysis).

[5] *See generally Danos v. St. Pierre*, 402 So.2d 633, 639 (La. 1981) (citing legislative pronouncement that "a human being exists from the moment of fertilization and implantation); *Vaillancourt v. Medical Center Hosp.*, 139 Vt. 138, 142-43 (1980) ("A viable unborn child is, in fact, biologically speaking, a presently existing person and a living human being...").

[6] NARAL - Pro-Choice America *2004 Who Decides? A State-by-State Report on the Status of Women's Reproductive Rights* (January 2004).

[7] *See Commonwealth v. Cass*, 467 N.E. 2d, 1324, 1328 (1984) ("Since at least the fourteenth century, the common law has been that the destruction of a fetus *in utero* is not a homicide...The rule has been accepted as the established common law in every American jurisdiction that has considered the question.").

[8] *Id.*

statutes.[9] In addition, a number of states have adopted legislation imposing criminal sanctions for the destruction of a fetus that are identical to those imposed for the murder of a person.[10]

Proponents of this legislation and its precursors have long asserted that, in the language of the bill, "[n]othing in this [act] shall be construed to permit the prosecution ... of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law."[11] Yet H.R. 1997 forges new ground in attempting to recognize a zygote, blastocyst, embryo, and fetus as a person with the same legal status as the woman or anyone else who has been the victim of a crime,[12] a proposition that is at odds with the rights of the pregnant woman under *Roe*.[13]

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[9] *See* W. Prosser, D. Dobbs, R. Keeton & D. Owen, *Prosser and Keeton on the Law of Torts § 55*, at 370 (5th ed. 1984)(listing states); *Mone v. Greyhound Lines*, 368 Mass. 354, 331 N.E.2d 916 (1975); At least 27 states recognize the "unborn child" in murder or manslaughter; 15 states punish assault, battery, or other harm resulting in injury or death; six states punish termination of or harm to a pregnancy as an adjunct crime against the pregnant woman, or as a sentencing enhancement. Planned Parenthood, *Summary and Analysis: State Laws that Overlap with H.R. 503*, (March 2001).

[10] *See e.g.,* Cal Penal Code § 187 (West Suppl 1986) ("Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.") ILL. ANN. STAT. Ch 38, §9-1.1 (Smith-Hurd Supp. 1985) IOWA CODE ANN §707.7 (West 1979); MICH COMP. LAWS ANN. §750.322 (West 1968); MISS. CODE ANN. §97-3-37 (1973); N.H. REV. STAT. ANN §585:13 (1974); OKLA. STAT.ANN. Title. 21, § 713 (West 1983); UTAH CODE ANN. §76-5-201 (Supp. 1983); WASH. REV. CODE ANN. §940-04 (West 1982).

[11] H.R. 1997 §2(a) [creating a new §1841 c)(1)].

[12] For example, if a defendant were to cause a miscarriage, or cause damage to the fetus, the punishment for the act would be a "separate offense" penalized as if the defendant had caused the death or injury to the pregnant woman.

[13] Proponents of H.R 1997, argue that it is not at odds with *Roe*: "there is nothing in [H.R. 503] that restricts a mother's right to an abortion... [m]oreover, the scare tactics that [H.R. 503] will empower so-called "pregnancy police" are demolished by section (c)(3), which immunizes from prosecution...the woman for any actions taken with respect to her unborn child. " *Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives on H.R. 503, the "Unborn Victims of Violence Act of 2001."* (March 15, 2001)(Hereinafter "March 2001 hearing")(written statement of Richard S. Myers, Ave Maria School of Law). This argument is misguided. At issue is not whether this bill would penalize a woman for having had an abortion. This bill threatens a woman's right to choose because it would recognize a zygote, blastocyst, embryo, or a fetus as a person with the same rights as a

In the 30 years since *Roe*, the Supreme Court has never afforded legal personhood to a fetus. Outside of the abortion context, the Court has only twice been asked to uphold a state's determination that a fetus was an "unborn child," and in both cases, the Court declined to do so.[14]

The bill's repeated use of the term "bodily injury" raises questions as to how the sponsors intend to account for such speculative criteria as "fetal pain." The bill defines the term "unborn child " as a "*child in utero*" despite the fact that the term "unborn child" is not a known legal or medical term, and its only known use is found in anti-choice rhetoric.[15] The term is also technically imprecise, as "unborn child" implies that personhood begins prior to birth or viability, as early as the moment of conception. Proper medical terminology used to describe stages of gestation is either *zygote* (fertilized egg), *blastocyst* (a pre-implantation embryo), *embryo* (through the eighth week of pregnancy), or *fetus*.[16] The imprecise terms used by H.R. 1997's sponsors also clearly conflict with the Constitution as was clearly articulated by the Supreme Court in *Roe v. Wade* which stated "the use of the word ["person"] is such that it has application

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pregnant woman. This is at odds with *Roe.*

[14] *See Burns v. Alcala*, 420 U.S. 575 (1975) (an "unborn child" is not a "dependant" for purposes of AFDC benefits), *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989) (held that a Missouri law which afforded legal protection to "unborn children" was merely rhetorical, and not "operative" because it was a statement of principle, and was not actually being applied; as such, the Court never addressed the merits of the constitutionality).

[15] One proponent of the bill exclaimed: "'fetus' is Latin for offspring or young." (*March 2001 hearing*)(written statement of Robert J. Cynkar). While the speaker correctly identified the Latin root of the word "fetus," the technical definition was incorrect, as fetus refers to a stage of a *prenatal* development of 12 weeks or more, and does not connote postnatal development in any form. Robert Berklow, M.D., Editor-in-Chief, *et. al. The Merck Manual, 16th ed.,* at 1837 (1992). A member of the Subcommittee at the March 2001 hearing evidenced some confusion with the term:

> Mr. HOSTETTLER. The fetus. That is Latin, am I not correct?
> Ms. FULCHER. I don't know. I assume so.
> Mr. HOSTETTLER. Yes. Testimony by actually Mr. Cynkar says that is true. "Fetus" is simply Latin for offspring or young. I am not an attorney, so I just need to have that clarified, that some are speaking in the Latin while I speak in the English, so——
> Ms. FULCHER. My understanding is that the more traditional term in the legal sense is "fetus" at that point.
> Mr. HOSTETTLER. Right, and the 99 percent of us that aren't lawyers think in other terms.

[16] *See Statement of the Center for Reproductive Law and Policy* ("CRLP") *in Opposition to H.R. 2436*, (Sept. 7, 1999).

only post-natally"[17] and "the word 'person', as used in the XIVth Amendment, does not include the unborn."[18]

Finally, the original draft of this legislation, H.R. 2436, introduced in the 106th Congress, did not contain a definition of the phrase "child *in utero*." In response to criticism that the bill was vague, Rep. Charles Canady, and the sponsors of later versions, as well as H.R. 1997, attempted to address the problem by defining the term as "a member of the homo sapiens, at any stage of development, who is carried in the womb."[19]

This language is impermissibly vague. It is not clear whether the sponsors intend to include: (1) homo sapiens "at any stage of development" from conception to live birth. This definition would appear to include zygotes within the definition of "unborn child;" (2) homo sapiens "carried in the womb," whether before or after implantation in the uterine wall, which would seem to include zygotes and blastocysts; or (3) an embryo or fetus following implantation. Given this ambiguity, it is entirely possible that the sponsors intend to equate the rights of a zygote with those of a fully mature woman whose constitutional rights have vested at birth. In the alternative, the "unborn child" would be protected only after it entered the womb, or implanted in the uterine wall. In either case, this would pose a direct facial challenge to *Roe.* If the "unborn child" is covered only after implantation, determining when the harm occurred, and whether H.R. 1997 had been violated, would give rise to virtually unanswerable evidentiary problems.

II. Due Process Implications

H.R. 1997 lacks a *mens rea* requirement[20], and, therefore, runs afoul of the Constitution's due process requirement that criminal laws require that the perpetrator must have a *criminal*

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[17] 410 U.S. 113, 157 (1973).

0. *Id.* at 157. Proponents of H.R. 1997 argue that it is within Congress' constitutional power because "no conduct whatsoever that is presently free of federal regulation will be regulated." *March 15, 2001 Hearing* (written statement of Richard S. Myers, Ave Maria School of Law). This argument fails to recognize that, for the first time under U.S. law, the bill would criminalize harm to a zygote, blastocyst, embryo, or a fetus in the same manner as the law currently does to a person. This is a clear and unprecedented challenge to *Roe.*

[19] H.R. 1997 §2(a) (adding §1841(d) to title 18 U.S.C.)

[20] In fact, subsection (a)(2)(B) explicitly disavows a *mens rea* requirement: "An offense under this section does not require proof that... the person engaging in the conduct had knowledge that the victim of the underlying offense was pregnant... or the defendant intended to cause the death of, or bodily injury to, the unborn child."

intent.[21] Under H.R. 1997, however, a person may be convicted of the offense of harm to a fetus even if he or she did not know, and had no reason to know, that the woman was pregnant. As such, this bill punishes people for crimes that they did not intend to commit.

Proponents of the bill claim that a separate *mens rea* provision is not needed because the bill incorporates the requisite *mens rea* elements of those underlying predicate offenses.[22] This is false for two reasons. First, § 2(a)(2)(B) states: "an offense under this section does not require proof that...(the person had the requisite intent)." Thereafter, § 2 (b) states: "the provisions referred to in subsection (a) are the following:....."[23] These two sections read together could

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[21] *See New York v. Ferber*, 458 U.S. 747, 765 (1982) (holding that, except in a small class of public welfare cases, not applicable here, "criminal responsibility... not be imposed without some element of *scienter* (intent) on the part of the defendant."; see also *Liporta v. United States*, 471 U.S. 419, 426, (1985) ("[C]riminal offenses requiring no *mens rea* have a generally disfavored status." (internal quotations omitted)); *Staples v. United States*, 511, 605 U.S. 6000 (1994) ("The contention that an injury can amount to a crime only when inflicted by intention is no provincial or transient notion. It is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil."(quoting *Morisette v. United States*, 342 U.S. 246, 250 (1952)).

[22] Relying on a theory of transferred intent, Robert J. Cynkar argued: "No element of murder requires that the perpetrator have the specific intent to kill the person who in fact was killed" and "an individual who commits a dangerous felony, which unintentionally results in the death of a person, is guilty of murder." *March 15, 2001 Hearing* (written statement of Robert J. Cynkar).

[23] The following Federal crimes are cross referenced in the new subsection (b)(1):

Sections of Title 18, U.S.C.:

36 (Drive-by shooting), 37 (Violence at international airports), 43(Animal enterprise terrorism), 111, 112,113, 114, 115, (sections 111 - 115 include the federal crimes of assault in ch. 7, U.S.C., except sec. 116, (pertaining to Female genital mutilation), 229 (crimes involving chemical weapons), 242 (depravation of rights under color of law), 245 (various civil rights violations and civil disorder crimes), 247(damage to religious property; obstruction of persons in the free exercise of religious beliefs), 248 (Freedom of access to clinic entrances), 351 (Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault), 831(Prohibited transactions involving nuclear materials), 844(d), (f), (h)(1), and (i) (offensives involving explosives), 924(j)(murder or manslaughter by firearm while in the commission of a crime of violence or a drug trafficking crime), 930 (possession or use of firearms and dangerous weapons in federal facilities), [sec. 1091, pertaining to genocide, not included],1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121 (homicide), 1153(a) (offenses committed within Indian country), 1201(a) (kidnaping), 1203 (hostage taking), 1365(a) (tampering with consumer products), 1501 (assault

eliminate the specific intent requirements contained in all of the enumerated criminal statutes in § 2 (b) even though such statutes in of themselves clearly contain an intent element. Second, the bill also fails to require a conviction on the underlying predicate offenses. This creates an extremely harsh strict-liability criminal scheme.[24] It is unlikely that these *mens rea* deficiencies would pass constitutional muster.

The sponsors of H.R. 1997 rely on the criminal law doctrine of *transferred intent*, which transfers the malevolent intent which the perpetrator of a crime harbors and acts upon against a pregnant woman, to her fetus.[25] For example, if A aims a gun at B with a murderous intent to kill B, but mistakenly hits and kills C, A's murderous intent to kill B is "transferred" to C, and A is guilty of murdering C. This reasoning similarly applies in cases involving assault and other crimes.

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on a process server), 1503 (influencing or injuring officer or juror), 1505 (obstruction of proceedings before departments, agencies or committees), 1512 (tampering with a witness, victim, or an informant), 1513 (retaliating against a witness, victim, or an informant), 1751 (Presidential and Presidential staff assassination, kidnaping and assault), 1864 (hazardous or injurious devices on federal lands), 1951 , 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), (sabotage), 1958 (murder for hire), 1959 (violent crimes in aid of racketeering), 1992 (wrecking trains), 2113 (bank robbery), 2241(a) (aggravated sexual abuse), 2245 (sexual abuse resulting in death), 2261 (interstate domestic violence), 2261A (interstate stalking), 2280 (violence against maritime navigation), 2281 (violence against maritime fixed platforms), 2332 (terrorism), 2332a (use of weapons of mass destruction), 2332b (international terrorism), 2340A (torture), and 2441 (war crimes).

Other offenses:

Sec. 408(e) of the Controlled Substances Act of 1970 (murder during the commission of a felony criminal enterprise).
Sec. 202 of the Atomic Energy Act of 1954 (murder of nuclear inspectors).

§3 of H.R. 1997 (proposed amendment to Title 10 U.S.C. adding a new § 919a. Art. 119a. to the Uniform Code of Military Justice). Sections of the Uniform Code of Military Justice cross-referenced are: 918 (murder), 919(a), 919(b)(2) (manslaughter), 920(a) (rape), 922 (robbery), 924 (maiming), 926 (arson), 928 (assault).

[24] § (a)(1) merely states: "[w]hoever engages in *conduct* that violates any of the provisions of law listed in subsection (b)... is guilty of a separate offense."

[25] *See e.g., United States v. Diaz,* 636 F.2d 621, 674 (D.C. Cir. 1980) (transferred intent was adopted by the American courts during the early days of the republic and is now black letter law) quoting *Regina v. Saunders*, 2 Plowd. 473, 474a, 75 Eng. Rep. 706, 708 (1576)).

What is remarkable and improper about H.R. 1997s application of the doctrine of transferred intent to pregnancies is that it treats, as a matter of law, the pregnant woman and her fetus as two distinct victims of a crime, regardless of whether the perpetrator knew or should have known that the woman was pregnant, or whether the perpetrator intended to, or actually did, cause harm to the pregnant woman herself. In fact, harm to the woman, or intent to cause harm to the woman, is not a necessary predicate to the offense in the bill.

H.R. 1997s application of the transferred intent doctrine only makes sense if the intent transfers to a "person." Such an application appears on its face to violate *Roe* in which the Court clearly declined to determine that a fetus is a legal person prior to birth. Similarly, it is hard to apply the doctrine of "transferred intent" if the proposed statute has absolutely no requirement that the defendant ever had the intent to harm the woman (which might be transferred to the fetus), or even the knowledge necessary to harm a woman by reason of her pregnancy.

Additionally, the application of transferred intent to these cases is not necessary if the legitimate purpose of the bill is to fight the sort of horrendous crimes committed against pregnant women to which the sponsors consistently refer. To this end, a more reasonable alternative would be to increase the penalties against defendants accused of committing violent acts against pregnant women, and make the any harm caused to the woman's fetus a crime committed against the woman deserving of serious punishment. A substitute offered by Rep. Zoe Lofgren, which would have created such a separate offense with the same penalties as this bill for the same acts, without dealing with the issue of fetal life, was rejected by the Judiciary Committee.

III. Potential for Extensive Litigation Concerning the Fetus.

H.R. 1997 opens the door to litigation over when life begins and mini-trials on fetal pain embedded within criminal prosecutions. It would also open the door to imposing liability on anyone, including the pregnant woman, for acts that occur at any stage of fetal development. The bill specifically excludes the pregnant woman, a health care provider performing an abortion and the woman's health care proxy from prosecution, so the danger is prospective and theoretical, but the precedent, and the underlying theory of fetal personhood, pose a threat that these steps will follow.

This expansion of fetal rights undermines and conflicts with women's interests. It goes beyond current law which recognizes the fetus only in those cases where it is necessary to protect the interests of the subsequently born child or her or his parent. Rather, H.R. 1997 attempts to confer rights upon the fetus *qua* fetus. Endowing the fetus as an entity with legal rights independent of the pregnant woman, makes possible the creation of fetal rights that could be used to the detriment of the pregnant woman.[26] Although the bill specifically excludes the pregnant

[26] Several amendments to the U.S. Constitution have been proposed that would explicitly grant fetuses rights as "persons" under the Constitution, but only one, S.J.Res. 3, was ever brought to the floor and debated. *See* S.J. Res., 129 Congressional Record S9076, *et seq.*, daily

woman from the penalties, giving the fetus a legal status equal to that of the woman could open the door to legal sanctions in the future, and the rights of a pregnant women may be placed in direct conflict with, or subordinate to, those of her fetus. For example, a future statute might require a woman to be prosecuted for any act or "error" in judgement during her term, for her consumption of wine or cigarettes, or for her decision to fly during pregnancy. When expanded to cover fetuses, child custody provisions may be used as a basis for allowing a biological father awarded custody of the fetus to control the women's behavior, or in some cases, civilly commit pregnant women to "protect" their fetuses. The specter of the state arrogating to itself the right to control the fate of a fetus by exerting coercive control over a pregnant woman, even placing her in custody, reduces her to a mere vessel for the eventual delivery of the then fetus. Such governmental coercion is far from hypothetical. Several courts have exercised this extreme form of control.[27]

The growing attempts by legislatures and the courts to exercise this level of control over women forcefully demonstrates the threat to women's autonomy inherent in the creation of fetal rights independent of, and equal to, those of the woman. This is a direct challenge to the woman's autonomy that the Supreme Court sought to safeguard in *Roe* when it based the right to choose on the woman's privacy interest.

IV. Crime and Violence Against Women

H.R. 1997 vests rights in the fetus, but does not respond to violence against women, and fails to recognize that an injury to a fetus is first and foremost an injury to the woman, and, in the case of a live birth, an injury to that individual.

The bill is flawed because it fails to address the vast number of domestic violence acts perpetrated against women and prosecuted under *state* statutes. H.R. 1997 and other federal

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ed., June 27, 1983; 129 Congressional Record S9265, *et seq*., daily ed., June 28, 1983.

[27] In one case, a Judge ordered a pregnant woman who, because of religious convictions, refused medical care, into custody in an attempt to ensure that the baby be born safely. National Public Radio, *Pregnant Woman Being Forced Into Custody at a State Medical Facility in Massachusetts to Ensure That Her Baby is Born Safely*, (Sept 14, 2000). In another case, a Judge sent a student to prison to prevent her from obtaining a midterm abortion. Reuters, *Judge intends Prison Time to Block Abortion* (Oct. 10, 1998). "There should be no doubt that South Carolina can impose punishment upon an expectant mother who has so little regard for her own unborn that the risks causing him or her lifelong damage or suffering." *Ferguson v. City of Charleston* 532 U.S. 67, 89 - 90 (2001)(Kennedy, J. Concurring).

statutes currently on the books directed at interstate domestic violence[28], stalking[29], and violations of protection orders[30] would have no effect on these cases.[31]

If the sponsors were legitimately concerned with the problem of violence against women, they should focus their efforts on the real problem of violence against pregnant women and full funding of the Violence Against Women Act[32] which expanded protections for women against acts of violence regardless of their pregnancy status. Tellingly, in fiscal year 2003, Congress appropriated $107,200,000 less than the fully authorized level. Programs including transitional housing, federal victims counselors, and training for judges were not funded at all. Rape prevention/education was appropriated at half its authorized level.[33]

CONCLUSION:

For 31 years, the constitutional right to choose has been the law of the land. That right is now under attack as never before. Efforts to confer upon fetuses, from the very moment of conception, the full panoply of rights that come with being declared a legal person would undermine the very basis of that right. The "Unborn Victims of Violence Act," plainly seeks to further that very dangerous agenda, and it would do so without making women who want to have children any safer. The right to bring healthy children into the world in safety is at the core of the right to choose. Congress should stop playing abortion politics and act to protect women, children, and their families.

We respectfully dissent.

John Conyers, Jr.
Howard L. Berman
Rick Boucher
Jerrold Nadler
Robert C. Scott

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[28] 18 U.S.C. 2261(a).

[29] 18 U.S.C. 2261A.

[30] 18 U.S.C. 2262(a)(1).

[31] *March 2001 Hearing* (written statement of Juley Fulcher, National Coalition Against Domestic Violence).

[32] 18 U.S.C. § 2261.

[33] National Coalition Against Domestic Violence, *Violence Against Women Act Appropriations Fact Sheet* (February 20, 2003).

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